

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, JANUARY 5, 2000.**

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins, Secretary
Patrick Natarelli

Members Absent: Allen Morris

Also Present: Kevin J. Plunkett, Village Counsel
Richard Fon, Building Inspector
Jan Blaire, Environmental Conservation Board
Florence Costello, Planning Board Clerk
J&L Reporting Service for Westwood Development Associates
Applicants and other persons mentioned in these Minutes
Members of the Public.

IPB Matters

Considered:

- 94-03 -- Westwood Development Associates, Inc.**
Broadway, Riverview Road & Mountain Road
- 98-44 -- Ciccio & Chernick**
Riverview Road
- 99-31 -- Danfor Realty Co. - Fatato Subdivision**
Harriman Road
- 99-55 -- SAB Development Corp.**
Padwee Lane
- 00-01 -- Richard & Amy Goldman**
12 Lewis Road
- 00-02 -- Spectrum Irvington (Amendment)**
Legend Hollow, Lot #25
- 00-03 -- Robert Clivilles (Amendment)**
Legend Hollow, 18 Manor Pond Lane, Lot #52
- 00-04 -- David Zwiebel**
23 Matthiessen Park
- 00-05 -- Neal & Carol Barlia**
49 Station Road
- 00-06 -- Danfor Realty Co. (Informal)**
116 Main Street

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

1. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

IPB Matter #99-55:

**Application of SAB Development Corp., for
Site Development Plan Approval for property
at Padwee Lane, Lot 3 and 4.**

Frederick Grippi and Andrew Saines, Builder, appeared for themselves. The Application had been carried over from the December 1, 1999 meeting when Applicant's drawings were found to be deficient in respect of setback measurements and errors in topography lines. The Chairman reported that Mr. Mastromonaco had advised the Board that the Applicant had satisfied all previous engineering comments. In response to comments from the Board, Applicant agreed to include a dry well for drainage of the swale in the front of the property.

There were no public comments. After discussion, on motion duly made, seconded and unanimously approved, the Board granted Site Development Plan Approval in accordance with the plan entitled Proposed Residence for S.A.B. Development Corp., Padwee Lane, prepared by Richau Mustacato Grippi Associates, dated October 22, 1999 last revised December 13, 1999.

IPB Matter #00-01:

**Application of Richard & Amy Goldman for
Waiver of Site Development Plan Approval for
property at 12 Lewis Road.**

Paul Shainberg and Richard Goldman appeared for the Applicant. Applicant paid the required application fee, provided evidence of mailing of required Notice to Affected Property Owners. The proposed development involves the addition of approximately 13' x 30' on top of an existing wood frame garage for a kitchen and breakfast area and deck. The footprint of the structure will not change. Plans entitled Goldman Residence by Paul Shainberg Architects dated December 7, 1999 were submitted.

The Chairman, with the Board's concurrence stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from Mr. Mastromonaco or the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship, and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #00-02:

**Public Hearing on Application of Spectrum
Irvington Corp., for Amended Site Development
Plan Approval for Lot #25, Legend Hollow.**

Craig A. Studer appeared for the Applicant. The Board had previously approved Site Development Plan Approval for this matter (IPB #98-27). Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. The Amendment relates to site work, including modifications to existing retaining walls, without modifying the existing footprint of the residence or the driveway.

Lance Smith and Sally Luce, owners of Legend Hollow Lot #30, appeared and submitted a letter dated December 2, 1999 to Applicant for the record. Mr. Smith raised concerns about the possible inclusion of a hot tub on Lot #25, the rebuilding of a retaining wall along Lot #30 and a land swap issue. Applicant acknowledged that any hot tub and land swap would be the subject of appropriate filings, if such proposals proceed, and acknowledged Applicant's intention to address the retaining wall.

The Chairman, with the Board's concurrence stated that the application would be treated as a Type II Action for SEQRA purposes. There were no comments from the Board's

Consulting Engineer. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #25), Legend Hollow, dated August 3, 1998, last revised December 8, 1999 by Spectrum Group Design Collaborative".

IPB Matter #00-03

Application of Robert Clivilles for Amended Site Development Plan Approval for property at 18 Manor Pond Lane, Lot #52 Legend Hollow.

Craig A. Studer appeared for the Applicant. The purpose of the Application was to correct a violation of excavation and site work undertaken in connection with a previously amended site plan. The General Contractor for the work excavated beyond the approved limit of disturbance and excavated on to the neighboring properties (Lot #54, Seminatore, and Lot #53, Setru). The Village issued a stop work order and notice of violation. The Application is to enable the Applicant to correct the encroachment, partially restore the properties and to modify the shape of the previously-approved pool.

Mr. Seminatore, owner of Lot 54, appeared before the Board and requested that approval of the Application be conditioned on (i) the appointment of an independent engineer or consultant to supervise the remedial work, (ii) completion of the correction of the encroachment before any other work commences and (iii) installation of fencing as shown on the original plan.

After discussion, the Board requested that the Applicant submit revised plans showing the full restoration back to the limits of disturbance set forth in the previously-approved plans. The Board conveyed its position that approval of the application should be conditioned on (i) the appointment of a qualified independent party to oversee execution of the work, (ii) issuance of a Bond or other satisfactory security arrangement to ensure that the neighbors' properties are properly restored and (iii) the delay in any work on the pool until the remedial work has been completed and certified by the party engaged in #1 above. The Board offered to consider this application at its January 12 special meeting or review this matter at its February meeting.

IPB Matter #00-04:

Application of David Zwiebel for Determination of Site Capacity, 23 Matthiessen Park.

Earl E. Ferguson appeared for the Applicant. The purpose of the Application is to determine site capacity in connection with the proposed razing of a dwelling at 23 Matthiessen Park and the construction of a new dwelling at the same property. After discussion, on motion duly made, seconded and unanimously approved, the Board approved the Application for Site Capacity determination as one dwelling unit. After discussion with Village Counsel, The Board

determined that the Application should be considered for Site Development Plan Approval and requested that the applicant reappear in February with an application for Site Development Plan Approval with appropriate notices and address the following engineering concerns:

- Plan for erosion control.
- Plan for slope stabilization and swale.
- Plan for drainage system.

IPB Matter #00-05:

Application of Neal & Carol Barlia for Waiver of Site Development Plan Approval for property at 49 Station Road.

Mr. Padraic Steinschneider appeared for the Applicant. Applicant paid the required application fee and presented evidence of mailing of required Notice to Affected Property Owners. The Application relates to additions totaling 1,614 square feet of floor area and approximately 16, 600 cubic feet of habitable space, including a full basement, master bedroom, playroom and living room, and a new one story front entry. Drawing "Barlia Residence, 49 Station Road, by Gotham Design, Ltd. Sheet A-1.1 dated December 22, 1999" was submitted.

The Board noted the comments from Mr. Mastromonaco regarding a drywell for drainage and the addition of an additional row of straw bales at the rear of the property. The Board also noted that Zoning Board approval may be required as to certain setback requirements. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application pending Zoning Board of Appeals approval.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of property at Riverview Road.

This Application was carried over to the February 9, 2000 meeting.

IPB Matter #99-31:

Application of Danfor Realty for Subdivision of property (Fatato) at Harriman Road between Shady Lane and Park Road.

Applicant did not appear and the Application was carried over to the February 9, 2000 meeting.

IPB Matter #00-06:

Informal Discussion for Danfor Realty Co. proposed construction at 116 Main Street.

The Board conducted a general discussion of the proposed construction of two one-family units to the rear of 116 Main Street. The discussion involved responses to applicable title reports, zoning requirements, access issues and easements for sewer. Mrs. Beiss, a neighbor, appeared for herself. Applicant will continue discussions with Village Counsel regarding various title issues.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

Padraic Steinschneider and Charles Pateman appeared for the Applicant. There was a general discussion about the status of discussions between Applicant and Mr. Mastromonaco. The Board confirmed a Site Walk scheduled for January 8, 2000 at 9:30 a.m. and the continuation of the Public Hearing on the Application at a Special Meeting of the Board on January 12, 2000 at 8:00 p.m.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on December 1, 1999, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for February 9, 2000, and a Special Meeting to discuss Westwood Development was confirmed for January 12, 2000.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jay Jenkins, Secretary